



Department of Defense

DIRECTIVE

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February 27, 1986
NUMBER 6050.8

ASD(ASL)

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(2)

SUBJECT: Storage and Disposal of Non-DoD-Owned Hazardous or Toxic Materials
on DoD Installations

- References:
- (a) DoD Directive 6050.8, "Storage and Disposal of Non-DoD-Owned Hazardous or Toxic Materials on DoD Installations," August 24, 1981 (hereby canceled)
 - (b) Title 10, United States Code, Section 2692, Chapter 159
 - (c) Public Law 96-510, "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," December 11, 1980
 - (d) DoD Directive 3025.1, "Use of Military Resources During Peacetime Civil Emergencies Within the United States, Its Territories, and Possessions," May 23, 1980

A. REISSUANCE AND PURPOSE

This Directive cancels reference (a) and establishes DoD policy, enunciated by reference (b), for the storage or disposal of non-DoD-owned toxic or hazardous materials on DoD installations.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staffs (OJCS), and the Defense Agencies (hereafter referred to collectively as "DoD Components").

C. DEFINITION

Hazardous or Toxic Materials. Those materials defined in section 101 of reference (c) or that are of an explosive, flammable, or pyrotechnic nature.

D. POLICY

1. It is DoD policy not to permit the use of DoD installations for the storage or the disposal of non-DoD-owned toxic or hazardous materials. The storage, disposal, transportation, and rendering safe of non-DoD owned hazardous or toxic material reported or discovered in areas outside of DoD installations are primarily the responsibilities of civil authorities.

2. On a reimbursable cost basis (unless expressly exempted), this prohibition, however, does not apply to:

a. Agreements with the General Services Administration for the storage of strategic and critical materials in the National Stockpile Program.

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b. Agreements or arrangements between DoD Components and other Federal agencies on the temporary storage or disposal of explosives to protect the public, or to assist those responsible for Federal law enforcement in storing or disposing of explosives when no alternative solutions are available.

c. Emergency lifesaving assistance to civil authorities involving the temporary storage or disposal of explosives.

d. Those excess explosives generated under a DoD contract when the head of the DoD Component concerned determines, on a case-by-case basis, that no alternative, feasible disposal is available to the contractor. Heads of DoD Components shall consider public safety, available contractor resources, and national defense production requirements when weighing this option.

e. Arrangements with the Department of Energy for the temporary storage of nuclear materials or non-nuclear classified materials.

f. Military resources used during peacetime civil emergencies, in accordance with DoD Directive 3025.1 (reference (d)).

g. Assistance and refuge for commercial carriers carrying material of other Federal agencies during transportation emergencies.

3. The Assistant Secretary of Defense (Acquisition and Logistics) (ASD(A&L)) may grant additional exceptions to the prohibition stated in subsection D.1., above, when such action is essential to protect the health and safety of the public from imminent danger, when the ASD(A&L) otherwise determines it to be essential, and when such assistance does not compete with private enterprise. Such support generally shall be on a reimbursable cost basis. When imminent danger is certain, the use of DoD facilities for the storage of non-DoD-owned toxic or hazardous materials shall be temporary and shall cease once the emergency situation no longer exists. In all other cases, the assistance shall be terminated as determined by the ASD(A&L).

E. RESPONSIBILITIES

Heads of DoD Components shall:

1. Ordinarily deny requests for use of DoD installations to store or dispose of non-DoD-owned toxic or hazardous materials, except as described in subsections D.2. and D.3, above.

2. Forward requests for exceptions to the ASD(A&L) for decision. Exception requests shall include, at a minimum, a discussion of alternative solutions, an explanation of essentiality, any appropriate environmental documentation, and an estimate of the impact of the planned action upon DoD resources.

3. Ensure that safe and environmentally sound procedures are followed to protect DoD personnel and property when a decision has been made to store or dispose of non-DoD-owned toxic or hazardous materials on DoD installations.

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4. Make certain that any non-DoD authority that uses DoD property for the storage or disposal of toxic or hazardous materials obtains all necessary permits and meets appropriate financial requirements.

5. Ensure that the non-DoD storer or disposer prepares any required environmental documentation before using DoD property, and returns the facility to its original condition.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Acquisition and Logistics) within 120 days.

William H. Taft, IV
William H. Taft, IV
Deputy Secretary of Defense

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